IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL
Criminal Misc. Application No.771 of 2005

Ashraf Ali Gram Pradhan
R/o Hazara
Grant, PS Ranipur, District Haridwar

Applicant

Versus

1 State of Uttaranchal
2 Devendar Prasad Bodan
Van Kshetradhakari,
Ddaul Khand Range, Haridwar

respondents

Hon'ble B.C. Kandla, J

This petition under Section 482 Cr.P.C. has been filed by the applicant Ashraf for seeking direction that he should be released on bail without taking him into custody by the court below.

The facts giving rise to this petition are that a First Information Report was lodged against the petitioner under Sections 147, 323, 332, 504 IPC.

The petitioner appeared before the court and sought the bail. Subsequently the charge sheet was filed against the petitioner under Section 147, 323 ,332, 504 ,325,308 IPC .The petitioner was summoned by the court below.

The petitioner by way of this petition has prayed that in case, if he appears before the court below he apprehends that he will be taken into custody and shall be sent to jail for the offence under the added sections.

In case if it is correct that the applicant had already obtained bal previously and the charge sheet was submitted against him with some added sections, then it would be desirable for the court below to consider it according to law.

However, if the petitioner appears before the court below and moves an application for bail , the trial court shall decide the same in accordance with law without taking him into custody.

The petition under Section 482 Cr.P.C stands disposed of .

(B.C. Kandpal, J.)

9.11.2005

nbj